

Fresno, California

April 5, 2012

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

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| Present: | Oliver Baines III | Councilmember |
| | Andreas Borgeas | Councilmember |
| | Lee Brand | Councilmember |
| | Sal Quintero | Councilmember |
| | Larry Westerlund | Councilmember |
| | Blong Xiong | Acting Council President |
| | Clinton Olivier | Council President |

Mark Scott, City Manager
Bruce Rudd, Assistant City Manager
Jim Sanchez, City Attorney
Yvonne Spence, City Clerk
Yolanda Salazar, Assistant City Clerk

Lead Pastor Dale Oquist of The People's Church gave the invocation and President Olivier led the Pledge of Allegiance.

PRESENTATION OF THE SPCA PET OF THE MONTH

Presented.

GAP FOUNDATION CHECK PRESENTATION IN THE AMOUNT OF \$25,000 TO FRESNO UNITED NEIGHBORHOODS AND THE PARCS DEPARTMENT IN SUPPORT OF FRESNO BEST (BUILDING EVERYONE'S SKILLS FOR TOMORROW)

Check presented.

INTRODUCTION OF FRESNO COUNTY CLERK BRANDI ORTH AND UPDATE ON THE JUNE 5, 2012, ELECTION

Introduction made and update given, and Ms. Orth responded to questions on ballot and election issues.

APPROVE CITY COUNCIL MINUTES OF MARCH 29, 2012:

On motion of Acting President Xiong, seconded by President Olivier, duly carried, RESOLVED, the Council minutes of March 29, 2012, approved as submitted.

APPROVE FRESNO REVITALIZATION CORPORATION (FRC) MINUTES OF MARCH 22, 2012:

On motion of Member Westerlund, seconded by Member Baines, duly carried, RESOLVED, the FRC minutes of March 22, 2012, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

Councilmember Borgeas noted **Item 10:30 a.m. "B"** specified *Items 1 – 55* and upon his questions City Attorney Sanchez stated considering ten items at a time (which was the original idea) would be consistent with the title and permissible this date and explained, for future noticing stated the title could specify **Items #__ through #__ for consideration*, continuing numerically in subsequent meetings with the next batch of items identified with an asterisk. Councilmember Baines stated he was leery about moving too far in discussions today as he felt the topics should have been listed on the agenda for the public adding clear noticing/a clear path for the public was necessary and warranted Council discussion. Mr. Sanchez responded and Councilmember Baines stated the matter could be discussed more fully when Council considers it later.

Councilmember Baines spoke to the RDA Successor Agency and the antics of Doug Vagim whom he stated had begun contacting the supposed members of the oversight board and questioned if Mr. Vagim was out of the scope of his authority. City Attorney Sanchez stated if individuals who are members are contacting other members prematurely outside of a public setting that could potentially threaten the board's future actions by way of a Brown Act violation and explained. Councilmember Baines assured Council the situation with Mr. Vagim would be dealt with appropriately, and gave a brief update on Library appointment from Fresno County or the Flood Control District.

Councilmember Quintero spoke to his attendance at Southeast Elementary School's sports pizza banquet where their two basketball teams comprised of fourth to sixth grade students, many of whom had never played team sports before, were honored for coming in 4th out of 56 schools, and displayed their trophy and stated this was a big accomplishment for those students and commended them, their coaches and their parents.

APPROVE AGENDA:

(1-A) AFFIRM ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR PLAN AMENDMENT NO. A-09-10 AND REZONE APPLICATION NO. R-09-20 PREPARED FOR ENVIRONMENTAL ASSESSMENT NO. A-09-10/R-09-20
#1 RESOLUTION – APPROVING THE SUMMARY VACATION OF PORTIONS OF ALLEN AVENUE AND SHEPHERD STREET LOCATED AT THE SOUTHEAST CORNER OF HERNDON AND BRYAN AVENUES

City Clerk Spence advised the correct street name was *SHEPARD*, not Shepherd. So noted.

(1-B) AFFIRM THE COUNCIL'S NOVEMBER 3, 2011, UPHOLDING OF THE HISTORIC PRESERVATION COMMISSION'S JUNE 27, 2011, APPROVAL OF THE ENVIRONMENTAL FINDINGS AND DETERMINATION OF THE MITIGATED NEGATIVE DECLARATION DATED JUNE 6, 2011, WHICH WAS PREPARED FOR E.A. NO. C-11-014/T-5994 FOR CONDITIONAL USE PERMIT NO. C-11-014 AND VESTING TENTATIVE MAP NO. 5994
#1 RESOLUTION – APPROVING THE SUMMARY VACATION OF A PORTION OF SAN JOAQUIN STREET NORTHEASTERLY OF "L" STREET AND A PORTION OF "L" STREET NORTHWESTERLY OF SAN JOAQUIN STREET

Continued to April 19, 2011.

(10:30 a.m. "D") RESOLUTION – A RESOLUTION OF THE MAYOR AND CITY COUNCIL SUPPORTING THE 144TH FIGHTER WING AND THE CONVERSION OF THE F-15s TO ENSURE THAT THE AIR NATIONAL GUARD CONTINUES TO THRIVE IN THE CITY OF FRESNO – COUNCILMEMBER WESTERLUND

Councilmember Westerlund noted the item was "red-tagged" and would be discussed later.

(10:30 a.m. "C") RESOLUTION – APPROVING THE "HIGH SPEED RAIL BUSINESS IMPACT INITIATIVE" AND ESTABLISHING THE HIGH SPEED RAIL RELOCATION DIVISION OF THE CITY OF FRESNO AND A CITY POLICY FOR STREAMLINED TIMELINESS AND GUIDELINES FOR ENTITLEMENT AND LAND USE PROCESSING FOR PROPERTIES AFFECTED BY HIGH SPEED RAIL – COUNCILMEMBER WESTERLUND

Councilmember Westerlund stated the item was still being worked on and continued it to April 19, 2012.

On motion of Councilmember Westerlund, seconded by President Olivier, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

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| Ayes | : | Baines, Borgeas, Brand, Quintero, Westerlund, Xiong Olivier |
| Noes | : | None |
| Absent | : | None |

ADOPT CONSENT CALENDAR:

(1-A) AFFIRM ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR PLAN AMENDMENT NO. A-09-10 AND REZONE APPLICATION NO. R-09-20 PREPARED FOR ENVIRONMENTAL ASSESSMENT NO. A-09-10/R-09-20

#1 RESOLUTION NO. 2012-61 – APPROVING THE SUMMARY VACATION OF PORTIONS OF ALLEN AVENUE AND SHEPARD STREET LOCATED AT THE SOUTHEAST CORNER OF HERNDON AND BRYAN AVENUES

(1-C) AUTHORIZE MODIFICATIONS TO THE PREVIOUSLY APPROVED ASSIGNMENT/ASSUMPTION OF THE NEIGHBORHOOD STABILIZATION PROGRAM (NSP) AGREEMENT FOR THE CANYON CREST APARTMENTS TO PROVIDE FOR THE FOLLOWING:

#1 CLARIFICATION OF THE MATURITY DATE OF THE \$2,772,253 NSP LOAN;

#2 CONFIRMATION OF THE \$2,772,253 OUTSTANDING PRINCIPAL BALANCE OF THE NSP LOAN;

#3 MODIFY THE ASSIGNMENT/ASSUMPTION TO INCLUDE THE NAME OF THE LIMITED PARTNERSHIP FORMED BY ROEM DEVELOPMENT CORPORATION AS REQUIRED BY THE TAX CREDIT FINANCING, FOR THE LONG-TERM OWNERSHIP OF THE PROPERTY;

#4 CONFIRM THE NON-RECOURSE NATURE OF THE NSP LOAN; AND

#5 AUTHORIZE THE EXECUTION OF AN ESTOPPEL CERTIFICATE AND SUBORDINATION AND INTERCREDITOR AGREEMENT AS REQUIRED BY THE TAX CREDIT INVESTOR AND TAX-EXEMPT BOND LENDER AS PART OF THE ASSIGNMENT OF THE NSP LOAN

On motion of Councilmember Brand, seconded by Councilmember Baines, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

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| Ayes | : | Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier |
| Noes | : | None |
| Absent | : | None |

(9:00 a.m. 'A') APPROVE AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES WITH KIMLEY-HORN AND ASSOCIATES, INC., OF RENO, NV, TO PROVIDE DESIGN AND CONSTRUCTION ADMINISTRATION FOR THE EXTENSION OF RUNWAY 11L/29R PROJECT (RUNWAY SAFETY AREA COMPLIANCE PROGRAM PHASE 2) AT FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT IN THE AMOUNT OF \$615,000

Aviation Director Widmar reviewed the issue and recommended approval, all as contained in the staff report as submitted.

(2 – 0) On motion of Councilmember Westerlund, seconded by Councilmember Baines, duly carried, **RESOLVED**, the subject Agreement with Kimley-Horn and Associates, Inc., for professional civil engineering consultation services hereby approved, by the following vote:

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| Ayes | : | Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier |
| Noes | : | None |
| Absent | : | None |

(9:00 a.m. 'B') **RESOLUTION NO. 2012-62** – RESCINDING RESOLUTION NOS. 2012-15, 2012-50 AND 2012-51 REGARDING THE FORMATION OF A SPECIAL TAX DISTRICT (COMMUNITY FACILITIES DISTRICT NO. 16), AND THE LEVY OF A SPECIAL TAX THEREIN; AND DECLARING THE INTENTION OF THE FRESNO CITY COUNCIL TO ESTABLISH CFD NO. 16 AND TO AUTHORIZE THE LEVY OF A SPECIAL TAX FOR THE MAINTENANCE OF CERTAIN PUBLIC IMPROVEMENTS ASSOCIATED WITH THE UNIVERSALLY ACCESSIBLE PARK

Public Works Director Wiemiller reviewed the issue and recommended approval, all as contained in the staff report as submitted.

A motion and second was made to approve staff's recommendation. Mr. Wiemiller, a consultant representative, Acting President Xiong and ACM Rudd responded to questions of Councilmember Westerlund relative to posting requirements, the new permitted categories, tenured homes, tax amounts, the 3% annual adjustment/if it was tied to the CPI/if it will be applied equally across the board, the tax levy, outreach, what the options were if the needed 2/3rds vote fails, and if the general fund would be "on the hook" if Resource for Independent Living fails to raise the needed funding.

On motion of Acting President Xiong, seconded by Councilmember Baines, duly carried, RESOLVED, the above entitled Resolution No. 2012-62 hereby adopted, by the following vote:

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| Ayes | : | Baines, Brand, Quintero, Westerlund, Xiong, Olivier |
| Noes | : | Borgeas |
| Absent | : | None |

UNSCHEDULED COMMUNICATIONS:

Marina Magdaleno, 839 N. Fulton, stated the conduct of council members and the disrespect shown to people who speak at the podium has bothered her for the last two weeks and expanded further on her experience and observances.

RECESS – 9:46 A.M. – 10:35 A.M.

(10:00 A.M.) HEARING TO CONSIDER A RESOLUTION OF PUBLIC USE AND NECESSITY FOR THE ACQUISITION OF PERMANENT STREET EASEMENTS AND RIGHTS OF WAY FOR PUBLIC STREET PURPOSES FROM A PARCEL OF REAL PROPERTY LOCATED ALONG ASHLAN AVENUE BETWEEN BLYTHE AND CORNELIA AVENUES, APN 511-171-11 OWNED BY THELMA JEAN BURROW, THEODORE M. NELLA JR. AND DANNY CHARLES BURROW AS TRUSTEES OF THE THELMA JEAN BURROW LIVING TRUST DATED MAY 15, 2006, AND ANY AMENDMENTS

#1 RESOLUTION NO. 2012-63 – DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF AN EASEMENT AND RIGHT OF WAY FOR PUBLIC PURPOSES OVER, UNDER, THROUGH AND ACROSS A PORTION OF APN 511-171-11S FOR THE CONSTRUCTION OF IMPROVEMENTS AND WIDENING AND RELATED PURPOSES OF ASHLAN AVENUE BETWEEN BLYTHE AND CORNELIA AVENUES, AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR PUBLIC USE AND PURPOSE PURSUANT TO THE CALIFORNIA CODE OF CIVIL PROCEDURE

President Olivier announced the time had arrived to consider the issue and opened the hearing.

Senior Real Estate Agent Caldwell reviewed the issue and recommended approval, all as contained in the staff report as submitted.

Upon call, no one wished to be heard and President Olivier closed the public hearing.

Mr. Caldwell and City Attorney Sanchez responded to questions of Acting President Xiong relative to process, the situation with the property owner and staff's outreach efforts, status of the situation, if the city attorney was comfortable with the process followed and staff recommendation, and if the project had been completed. Acting President Xiong stated his office had not been contacted by the property owner about the project or process so he felt there would be resolution and made a motion to approve staff's recommendation.

On motion of Acting President Xiong, seconded by Councilmember Baines, duly carried, RESOLVED, the above entitled Resolution No. 2012-63 hereby adopted, by the following vote:

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| Ayes | : | Baines, Borgeas, Brand, Quintero, Westerlund, Xiong |
| Noes | : | Olivier |
| Absent | : | None |

(10:15 A.M.) HEARING TO CONSIDER SITE PLAN REVIEW NO. S-11-081 AND ENVIRONMENTAL FINDINGS FILED BY PRECISION ENGINEERING, PROPERTY LOCATED ON THE NORTH SIDE OF W. SHAW BETWEEN N. GATES AND W. JENNIFER AVENUES

#1 CONSIDER AND ADOPT THE ENVIRONMENTAL FINDING OF A CATEGORICAL EXEMPTION PREPARED FOR E.A. NO. S-11-081

#2 RESOLUTION NO. 2012-64 – APPROVING SITE PLAN REVIEW APPLICATION NO. S-11-081 SUBJECT TO THE REVISED CONDITIONS OF APPROVAL DATED APRIL 5, 2012

President Olivier announced the time had arrived to consider the issue and opened the hearing.

Planner Emerson reviewed the issue and recommended approval, all as contained in the staff report as submitted and added the applicant was in full agreement with the conditions of approval and there was no opposition to the project.

Upon call, no one wished to be heard and President Olivier closed the public hearing.

Councilmember Westerlund presented comments and questions relative to the usual process of the planning commission handling site plan reviews, why this site plan had to come before Council, and if there were any issues/impacts with the high speed rail project, with Ms. Emerson, ACM Rudd and Nathan Gleaves with Precision Engineering responding.

On motion of Councilmember Borgeas, seconded by President Olivier, duly carried, RESOLVED, the above entitled Resolution No. 2012-64 hereby adopted, by the following vote:

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| Ayes | : | Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier |
| Noes | : | None |
| Absent | : | None |

(10:30 a.m. 'A') #1 COUNCIL BOARDS & COMMISSIONS COMMUNICATIONS AND ASSIGNMENTS:

COUNCIL OF GOVERNMENTS (COG) - SWEARENGIN, BORGEAS-EX-OFFICIO/ALTERNATE

FINANCE AND AUDIT COMMITTEE - BORGEAS, BRAND, OLIVIER

FRESNO AREA WORKFORCE INVESTMENT CORPORATION - BAINES

FRESNO COUNTY TRANSPORTATION AUTHORITY (FCTA) - SWEARENGIN, BORGEAS

FRESNO REGIONAL WORKFORCE INVESTMENT BOARD – SWEARENGIN, BAINES

FRESNO COUNTY ZOO AUTHORITY - SWEARENGIN, BAINES-ALTERNATE

FRESNO-MADERA AREA AGENCY ON AGING BOARD - OLIVIER

JOINT POWERS FINANCING AUTHORITY - OLIVIER

LEADERSHIP COUNCIL ON ENDING HOMELESSNESS – SWEARENGIN, BAINES

PUBLIC SAFETY JOINT POWERS AUTHORITY - SWEARENGIN, OLIVIER

SAN JOAQUIN RIVER CONSERVANCY BOARD - SWEARENGIN, WESTERLUND

THE ASSOCIATION FOR THE BEAUTIFICATION OF HIGHWAY 99 - BAINES

UPPER KINGS BASIN INTEGRATED REGIONAL WATER MANAGEMENT JPA - BORGEAS

PENSION REFORM TASK FORCE - BORGEAS, BRAND, XIONG

ECONOMIC DEVELOPMENT CORPORATION SERVING FRESNO COUNTY - BORGEAS-EX-OFFICIO

FRESNO CITY & COUNTY CONVENTION & VISITORS BUREAU (CVB) - SWEARENGIN, VACANT

LEAGUE OF CALIFORNIA CITIES (ANNUAL MEETING) – SWEARENGIN, XIONG-ALTERNATE

SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD) – BAINES

#2 COUNCIL APPOINTMENTS, REAPPOINTMENTS, REMOVALS TO/FROM CITY AND NON-CITY BOARDS AND COMMISSIONS

Councilmember Borgeas reported on the Finance and Audit Committee and the SEGA report for purposes of addressing the general plan amendments and stated one option the committee wanted considered/examined was the phasing in of SEGA as the committee felt SEGA in its current form was ultimately unworkable and explained; and stated there was nothing else to report other than the Fresno County Transportation Committee would be meeting next Wednesday.

Councilmember Baines stated the Fresno Area Workforce Investment Corporation and the Fresno Regional Workforce Investment Board were meeting all of their expectations and currently working to develop a workforce for the high speed rail proposal; relative to the Zoo Authority stated the zoo was coming along well and was preparing for the Sea Lion exhibit, and reported sales were extremely high and up over 30% for this time of year; and relative to the San Joaquin Valley Air Pollution Control District advised the air board was in the process of updating its general plan and he recommended SJVAPCD staff liaison with city staff as the city develops its general plan update to ensure the targets are complimentary of each other.

President Olivier stated the Public Safety Joint Powers Authority disbanded almost two years ago and it could be removed from the list.

(3 – 0) Councilmember Brand reported on the Finance and Audit Committee stating he spoke to Director Murphey on the RDA/City debt issue and they were waiting for April 15th for further clarification from the State on how the State will define enforceable obligations, and advised his plan was to have a meeting/hearing of the FAC after April 15th and then report to Council, hopefully before budget deliberations as that would have an impact.

Councilmember Westerlund spoke to comments on the Finance and Audit Committee and SEGA and distributed the resolution that established the FAC, read the portion relative to the purpose of the FAC, and stated the point was the FAC was established to act in an advisory capacity to Council on financial affairs of the City and not planning and land use issues. Councilmembers Brand and Borgeas stated the phasing in of SEGA could be discussed in the general plan update as an option and bringing in the SEGA report for purposes of analysis of the general plan opportunities was clearly within the jurisdiction of the FAC, with Councilmember Westerlund responding. There was no further discussion.

(10:30 a.m. “B”) CONSIDER CHARTER REVIEW COMMITTEE (CRC) RECOMMENDATIONS, ITEMS 1 – 55 – PRESIDENT OLIVIER (*Council to review the 55 items in the report in numerical order and continue to subsequent meetings until the 55 items have been completed. Please note, some portions of the CRC recommendations are subject to Mayor’s veto.*)

President Olivier spoke to his meeting with Councilmember Borgeas and to the background/process and how this item came to be agendized here as Items 1 – 55 and requested Council’s input. Councilmember Borgeas stated many of the issues relate to other Charter issues and his recommendation was to list Items 1 – 55 as a whole but administratively consider the items in numerical order in batches of 10 per meeting (possibly less depending on the item), and for future noticing stated adding under the above title **Likely Item #__ through #__ for consideration* would provide some context in the event a member of the public wants to come in. Councilmember Baines stated his concern was the above agenda title was extremely broad and he was confused with what would be discussed today and where Council would stop, stated he would be against proceeding with any discussion/deliberation today because of the way the item was noticed as he felt there was considerable public interest from some community groups, and stated with future noticing indicating **Item #__ through Item #__ for consideration* he also wanted the titles of the items/topics listed on the agenda, and upon his question City Attorney Sanchez stated that would be permissible but action could not be taken on items not identified/not up for consideration that date. Councilmember Borgeas stated he had no opposition to listing the number of items along with the subject matter as long as Council had the flexibility with Items 1 – 55, and stated he was prepared to start deliberating this date and allow that to be a policy for subsequent weeks but if it was Council’s will to start at the next meeting he was OK with that too. Councilmember Baines reiterated he was opposed to moving forward today but he would be OK if Council chooses otherwise. Councilmember Westerlund concurred with the recommendations, and suggested, as Council moves through the 55 items, that those items identified for the ballot go into a pool and then have a second vote on each item as they would have a financial impact and elaborated further. Councilmember Borgeas agreed with having the formality of a final voting step on items Council agrees are ballot worthy, and stated putting separate items on the ballot was never part of his consideration as that would be cost prohibitive and added ballot measures would have to done in a way where a common thread is woven and explained.

Councilmember Westerlund made a motion to start deliberation on April 19th, proceed with noticing Items 1 – 55 with a sub-header/asterisk that Council would be focusing on Item #1 through Item #10 (later changed to Item #1 through #11) on April 19th and continuing on numerically for subsequent meetings, and in addition, during deliberation any items deemed ballot worthy are to be placed on a list to be revisited/reconsidered later with a final vote on whether to place the item on the ballot, which motion was seconded by Councilmember Borgeas.

Speaking to the issue was Michael Evans, 6141 N. West, who stated if some items are going to be consolidated for consideration that should be part of the public noticing, and stated his support for public comment as each item is considered; and Marina Magdaleno, 839 N. Fulton, who spoke to and questioned the noticing, the focus on 10 items per meeting, and ability of Council to discuss other items. President Olivier clarified a batch of items would be the focus at each meeting and other items that may relate could be discussed but action could not be taken on them and they would be considered later.

Councilmembers Xiong and Borgeas spoke briefly in support of the motion. Councilmember Brand stated he agreed with the posting/noticing and stated considering 11 items per meeting would be better mathematically; stated some items may take longer than others and some may be shorter/may be summarily dismissed and suggested scheduling a 2 to 4-hour block of time to allow the opportunity to consider more than 11 items if time permits; stated consideration of these items needed to be completed before budget deliberations as that was going to be a major consumption of time and energy; spoke to election timelines and costs; and upon his question Councilmember Westerlund accepted his friendly amendment to schedule 11 items per meeting but stated he felt there were probably only a handful of items that would generate a lot of debate and most would be pretty quick and he did not feel Council needed to block off a certain amount of time. Councilmember Baines added his main issue was that there be some level of certainty for the public and blocking off time would go back to the public not knowing where deliberations would end.

On motion of Councilmember Westerlund, seconded by Councilmember Borgeas, duly carried, RESOLVED, deliberation on the Charter Review Committee recommendations to start on April 19, 2012, the noticing of Items 1 – 55 to continue with a sub-header/asterisk that the focus would be on Item #1 through Item #11 on 4/19 and continuing on numerically with batches of 11 items for subsequent meetings, and in addition, during deliberation any item deemed ballot worthy by Council are to be placed on a list to be revisited/reconsidered later with a final vote on whether or not to place the item on the ballot, by the following vote:

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|--------|---|--|
| Ayes | : | Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier |
| Noes | : | None |
| Absent | : | None |

(10:30 a.m. “D”) RESOLUTION NO. 2012-65 – A JOINT RESOLUTION OF THE MAYOR AND CITY COUNCIL SUPPORTING THE 144TH FIGHTER WING AND THE CONVERSION TO THE F-15 EAGLE TO ENSURE THAT THE AIR NATIONAL GUARD CONTINUES TO THRIVE IN THE CITY OF FRESNO – COUNCILMEMBER WESTERLUND

Councilmember Westerlund introduced and reviewed the issue, all as contained in the Resolution as presented, thanked Mayor Swarengin and our congressional delegation for their effort to head off the maneuver to try and defund the 144th Fighter Wing and move it elsewhere, expanded further on the conversion of the current F-16 aircraft to F-15s, and made a motion to adopt the Resolution.

Councilmember Borgeas seconded the motion and thanked all involved in lobbying congress and the powers that be to keep the air protection services here stating it was good for our community, and presented comments and questions relative to the conversion to F-15s, if Fresno was supposed to get F-18s or F-22s, this not being the first time the squadron has been put on the chopping block, and other than budget reasons if there was a higher priority area than Fresno in California, with Councilmember Westerlund responding. Councilmember Brand commended Councilmember Westerlund for bringing this forth and stated the only smart thing he did in high school was join the ANG and expressed his support. Councilmember Westerlund credited Mayor Swarengin and her staff for “jumping on this” as soon as they heard about it and for all their work, and spoke to the other units and capacities the ANG has that need to be kept here in Fresno and the state. **(4 – 0)** President Olivier stated he would be supporting this today as he wanted to continue to see employment thrive in the city but stated as a veteran who was in the air wing of the Marine Corps for four year he knows how loud twin engine jets can be, noted the Resolution was not only requesting support for keeping the ANG’s presence in Fresno but also officially welcome the F-15s, and presented questions relative to aircraft noise, history of the community’s input on F-15s coming to the airport, the airport noise mitigation program, concern with the public’s reaction to the noise when the F-15s finally come, and if there have been any public workshops, with Councilmember Westerlund responding.

On motion of Councilmember Westerlund, seconded by Councilmember Borgeas, duly carried, RESOLVED, the above entitled Resolution No. 2012-65 hereby adopted, by the following vote:

Ayes : Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier
Noes : None
Absent : None

RECESS – 11:54 A.M. – 4:30 P.M.

(4:30 P.M.) CLOSED SESSION – CONFERENCE WITH LEGAL COUNSEL:

(‘A’) EXISTING LITIGATION – CASE NAME: LAWRENCE AZEVEDO V. CITY OF FRESNO, ET AL., U.S. DISTRICT COURT CASE

(SPECIAL MEETING NOTICE) REAL PROPERTY NEGOTIATION: ECONOMIC OPPORTUNITY COMMISSION (EOC) NEIGHBORHOOD YOUTH CENTER/GYMNASIUM, 1802 E. CALIFORNIA STREET, FRESNO, CA 93706; AND POSSIBLE LITIGATION: CITY OF FRESNO V. EOC, ET AL.

The City Council met in closed session in Room 2125 at the hour of 4:30 p.m. to consider the above matters and reconvened in regular open session at 5:10 p.m. There were no announcements.

(5:00 P.M.) REVIEW AND SELECT A PREFERRED ALTERNATIVE FOR THE PREPARATION OF THE 2035 FRESNO GENERAL PLAN UPDATE

President Olivier introduced the item and spoke to the process procedure for the item and public input. Assistant DARM Director Berghold advised consultants Michael Dyett and Mark Steele would be making a presentation followed by comments from City Manager/Interim DARM Director Scott.

Consultants Dyett and Steele gave an in-depth PowerPoint presentation entitled “Fresno General Plan and Development Code Update” which consisted of Purpose of Today’s Hearing, Purpose of a General Plan, Why Update the General Plan?, Who is Involved?, Planning Process, The Working Papers, Economic Development, Land Use/Urban Form, Guiding Principles, Purpose of the Alternatives, Land Demand, Land Supply, The Four Alternatives, Map of Available Land, Common Ideas, Land Use Types, Activity Centers, Other Uses, Complete Neighborhoods, Harland Ranch and Dominion Developments, Successful Otay Ranch Development in Chula Vista, A Community Composed of a Range of Housing Choices, San Diego’s Uptown District, Alternative A – “The Boulevard Plan”, Blackstone Corridor Detail, Alternative B – “The Growth Area Plan”, Manchester Center Detail, Ventura Avenue, Alternative C – “The Expanded Sphere of Influence Plan”, Detail Plan, Southwest Growth Area, West Growth Area, Alternative D – “The Hybrid Plan” (between Alternatives A, B and C), Plan Implementation, Implementation Examples, Successful Projects, Alternative Comparisons, Traffic Impacts, Pedestrian/Bike Movement, General Fund v. Service Levels, Revenues v. Expenditures, and Support of Guiding Themes. Upon the request of Councilmember Westerlund Mr. Dyett expanded further on the Guiding Principles. Mr. Berghold stated staff had worked closely with the Building Industry Association (BIA) who developed a fifth alternative and gave an overview of BIA Alternative E – “The Balanced Growth Alternative”.

City Manager/Interim DARM Director Scott noted Council was being asked to consider which of the options should be considered the Preferred Alternative for the Master EIR that will be prepared over the remainder of 2012, a vote on the preferred option would not lock in the entire general plan as every EIR is required to evaluate alternatives, a decision on the Preferred Alternative was significant as it would guide staff and the consultants in generating goals and implementation plans for the general plan document itself, and on behalf of himself and Mayor Swearengin stated they believed Council deserved a clear recommendation and recommended Alternative A as the most efficient model, expanding on the reasons therefore.

Speaking to the issue were: Al Smith, Greater Fresno Area Chamber of Commerce, no position/request the matter be tabled for further view by the Chamber; Kendra Rogers, Executive Director of First 5 Fresno County, support for Alternative A **(5 – 0)**; Lee Ayres, 3150 E. Barstow, Tree Fresno, who urged an alternative be chosen that assures funding of parks/trails/playgrounds/street trees; Edith Jessup, 3857 N. Angus, on behalf of Central California Regional Obesity Prevention Program (CCROPP) and Smart Valley Places, Alternative A; Dr. Edward Moreno, Fresno County Health Officer, Alternative A; Bill Simon, 4902 N. Ninth,

Alternative A; Jaime Holt, Planning Commission Chair, Alternative A; Andy Hansen-Smith, planning commissioner, Alternative A; Dan Green, 4138 W. Dakota, Alternative A; Chip Ashley, on behalf of the Tehipite Chapter of the Sierra Club, Alternative A, who also submitted written material into the record; Kiel Famellos-Schmidt, 1405 N. Adoline, member of the General Plan Citizens Advisory Committee (GPCAC), Alternative A; Vincent Correll, representing the Woodward Park Homeowners Association, 840 E. Cole, Alternative A; Tony Boren, Executive Director for COG, support for A or D; Praveen Buddiga, Allergist and Asthma Specialist at Baz Allergy Asthma Sinus Center and Chair of the Air Quality Committee of the Fresno-Madera Medical Society, 7471 N. Fresno Street, Alternative A; Ryan Colvert, 2204 S. Villa, GPCAC member, Alternative A; Muhammad Hassan Bashir, Baz Allergy Center, 7471 N. Fresno Street, Alternative A; Michelle Garcia, 5028 W. Herndon, Fresno-Madera Medical Society, Alternative A; Jack Schutt, architect and general contractor/Urban Planning & Design instructor, Alternative A; Nick Paladino, Bicycle and Pedestrian Advisory Committee, Alternative A; and Francine Farber, GPCAC Co-Chair and President of the League of Women Voters, Alternative A.

Continued speakers were: Jose Luis Barraza, 4243 E. Thomas, Housing Alliance of Fresno, Alternative A **(6 – 0)**; Kevin Hamilton, 5919 E. Robinson, Clinica Sierra Vista, Alternative A; Luis Santana, 2134 N. Farris, Alternative A; Ingrid Carmean, 115 E. Weldon, Alternative A; Catherine Huerta, Children’s Movement, Alternative A; Mary Savala, League of Women Voters, Alternative A; Samuel Norman with Rios Company, 1320 N. Van Ness, who spoke to the Building Healthy Communities initiative and support for Alternative A; Tracewell Hanrahan, 986 E. Richmond, on behalf of Housing Authority Executive Director Preston Prince and the Board of Commissioners, Alternative A; Linda Gleason, 630 E. Home, The Children’s Movement; Ed Dunkel, Jr., 1234 “O” Street, EDC Chairman of the Board, no position at this time/request for more time for further review; Dr. Helen Rockas, semi-retired pediatrician, who spoke to the childhood obesity epidemic, SB 375 which encourages physical activity, to the need for smart growth, and in support of movement that incorporates healthy communities; Henry Delcore, 1523 N. Adoline, El Dorado Park Community Development Corporation, Alternative A; Luisa Medina, POB 986, Alternative A; and Elizabeth Jonasson, Coalition for Clean Air, 1140 N. Van Ness, Alternative A.

RECESS – 7:11 P.M. – 7:26 P.M.

Continued speakers were Diane Merrill and Dr. Robert Merrill, 8540 N. Colfax, both in support of Alternative A; Kathy Bray, 7791 E. Shields, representing the Fresno Business Council, Alternative A; Mike Prandini, Building Industry Association, 1530 E. Shaw, request for a 30-day delay to allow for full consideration of all alternatives/disagreement on Alternative A/support for BIA Alternative E **(7 – 0)**; Hermalinda Chavez (through an interpreter), 212 N. “U” Street, volunteer with Latinos United for Clean Air (LUCA), Alternative A; Robert Mitchell, Golden Westside Planning Committee, Alternative A; Sarah Hedgepeth Harris, 5445 E. Lane, former president of Fresno Unified Board of Education, chair of Fresno Housing Alliance, and attorney specializing in CEQA, for Alternative A or D; Ryan Jacobsen, CEO of Fresno County Farm Bureau, 1274 W. Hedges, who spoke to their letter for Alternative A; Manuel Cunha, President of Nisei Farmers League, 1775 N. Fine, Alternative A; Byron Watkins, 3848 E. Pico, “I Bike Fresno”, speaking on behalf of the Fresno County Bicycle Coalition, Alternative A; Daniel O’Connell, representing American Farmland Trust, Alternative A/submitted letter into the record; Nora DeWitt, 3862 N. Wilson, Alternative A; Christine Barker, 3623 N. Ezie, Alternative A; Sharon Stanley, via video, Alternative A; Miguel Villegas, 1362 N. Hughes, Alternative A; Anne Gaston, Alternative A; Youa Vang, 5192 S. Peach (through an interpreter), Alternative A; Guadalupe Gonzales, 3221 E. Nevada, who spoke to housing costs; Zenaida Ventura, 3473 W. Shields (through an interpreter), Alternative A; Clara Cruz, representing Centro La Familia, 302 Fresno Street, Alternative A; Ruby Hernandez, Centro La Familia, Alternative A; Guadalupe Gonzales spoke again briefly; and Leoncio Vasquez, 1019 Santa Clara, Alternative A.

Continued speakers were Ong Lee, 3741 N. Abby (through an interpreter), Alternative A; **(8 – 0)** Sarah Sharpe with Fresno Metro Ministry, Alternative A; Kia Lor Xiong, 1554 S. Chance (through an interpreter), who spoke to the need for jobs; Youa Vang, 337 N. Manila, (through an interpreter) who spoke to the need for a cultural market to sell local goods; Yolanda Randles, 5229 E. Orleans, member of Building Healthy Communities and Director of the West Fresno Health Care Coalition, Alternative A; Filo Lopez, member of Faith in Communities, (through an interpreter), who spoke to the value of parks in neighborhoods; Raquel Manallanes, 4683 E. Belgravia, (through an interpreter), who spoke to the need for security/safe neighborhoods for everyone; Khamphat Bounmasaloung, Fresno & Weldon Streets, Alternative A/importance of public transportation; Dr. Sophia DeWitt, 4910 N. Sequoia, Alternative A; Mary Curry, 312 W. Valencia, Concerned Citizens of West Fresno, Alternative A; Jeff Roberts, Granville Homes, 1396 W. Herndon, concerns with Alternatives A & B/support for Alternative E/request for more time for further review; Fabiola Gonzalez, The Children’s Movement, Alternative A; Elizabeth Campos, 3666 N. Mariposa, The Children’s Movement, Alternative A; Pat Ricchiuti, farmer, 1970 E. Birkhead and 3296 N. Fowler, Alternative A; Neva Popenoe, soils engineer, 391 N. Poplar, Alternative A; Les Peterson, representing Lennar Homes, 8080 N. Palm, support for Alternative E and request for 30 day delay; Karlton Brown, 4541 E. Laurite, Alternative A; Dennis Gaab, Chairman of the Board of the BIA, clarification of the BIA’s

position/request for a delay; Kevin Hall, Central Valley Air Quality Coalition, 1316 E. Olive, Alternative A; J.D. McCubbin, 617 E. Cambridge, need to address/solve the homeless situation; Robert Flores, 1211 Woodward, Alternative A; Mike Wells, Fresno Metro Ministries, **(9 – 0)** request Council select any plan this date; Craig Breon of South Lake Tahoe, Climate Change Director for the Sierra Nevada Alliance, Alternative A; Charles Krugman, 1237 “P” Street, Alternative A; Ann Kloose, 6353 N. Lodi, who stated the challenge will be in implementing any alternative and urged Council to take whatever time is needed; Darius Assemi, 1396 W. Herndon, who spoke in opposition to dictating where people should live and urged a delay so the industry could work with staff on a plan everyone can live with; Ron Wathen, civil engineer with Quad Knopf, who spoke to the critical issues involved and in support for a 30 day delay; and (first name inaudible) Martinez, 4914 N. Ninth Street, support for healthy communities/urged Council to vote on any alternative this date.

Upon call, no one else wished to be heard and President Olivier closed the public comment portion of the hearing

RECESS – 9:35 P.M. – 9:46 P.M.

Councilmember Brand thanked everyone for coming and acknowledged the tremendous multi-cultural diversity stating that was our community’s strength; thanked DARM staff, the citizens committee and the planning commission for all their work; stated bold action to embrace smart planning had to be reconciled with practicality and market forces; and stated in theory the high density model represented a very cost efficient way to deliver city services and elaborated on numerous issues and presented questions relative to urban expansion over the last 25–30 years being inefficient, cost comparisons between northwest/northeast homes and southwest/southeast homes, the under-performing areas of the city that need to be worked on, the SEGA and WEGA plans, unit allocations and multi-family analysis, plan A densities, average production of single family homes in the last 10 years, existing vacant map lots and potential development, the beyond-Fresno market and what the loss of buyers means, agricultural land and plan comparisons, if the ag industry supported A, high density on the Highway 41 corridor/why it will work now/funding source to pay for impacts to infrastructure, in-fill projects/challenges/what can be done to make in-fill work, need to do a better job as what has been done in the past has not worked, the sophisticated software that was used to form the basis for all the analysis/how the data and projections presented can be relied on, if electric vehicles have been factored into the alternatives, how hard it will be to get a plan amendment five years into plan A (if adopted) if it is not working/not getting the desired density, **(10 – 0)** the general plan not being a panacea for all the social and economic ills of our community and need to have a realistic expectation, challenges and there always being the opportunity to find solutions, the challenge for all being to find ways to make this work, and his willingness to take a leap of faith and make a decision tonight, with Mr. Berghold and Mr. Scott responding and clarifying issues throughout.

Councilmember Westerlund made a motion to select Alternative A as the Preferred Alternative, which motion was seconded by Councilmember Brand. Councilmember Westerlund also thanked everyone involved for all the work they did on this project, and elaborated on issues including the city’s history in planning/the decisions made by past officials/the price paid for past decisions and investments being seen now, his respect for the BIA, the BIA doing great things and having a heart for this for this community but a different perspective and avenue of approach, the importance of the city providing public safety services near residents, Alternative A having plenty of capacity for the next 20 years and it being a mistake to expand the Sphere of Influence when the city is not even close to having to expand, the need to do a better job of working with developers to get higher densities with better living communities, the successful examples across the state where multi-family/single-family residential/townhomes all work together to provide a better standard of living versus subdivision-subdivision-strip mall that has been seen everywhere over the last 40 years, and The Dominion and Copper River as being examples of what can be done in the southwest, the WEGA and other areas.

Councilmember Baines stated this had been a fantastic process on all fronts and commended staff and the community; stated he was prepared to vote tonight and was in support of Alternative A and gave his reasons therefore; stated he learned a lot about how critical planning was to a city and added he represented a district that had been left behind due to poor planning and he was very pleased to see members of his community here which showed they got it and cared; spoke to the issue of sprawl and stated that word had been villainized to a point where it had gone too far but clarified he did not want that done anymore; stated although Alternative A with higher density made more economic and health sense there was still a society that wanted to live on larger lots which was OK; stated as city leaders Council needed to make sure in their visioning for the future that citizens are given the appropriate options to do better/that had not been done in planning as options did not exist in the past/the only option for the most part was sprawl; stated something new was now being introduced to our citizenry where they have an option that is healthier for the entire city; and stated he did see some concerns and presented questions and additional comments on whether individuals who want to live on larger lots would be precluded from having that ability with plan A, where land existed in the growth areas for lower density living, if staff was confident the development community would have the ability to build a traditional model that customers still want now, developers

not being the only part of the plan and it being fair to make sure the voice of the development community is heard and incorporated into the document, the fantastic job done in bringing cross sections of the community together to believe in smart growth principles, his being a big fan of Bus Rapid Transit (BRT)/transit-oriented developments/public transportation and that being a major reason why he supported A, and his concern with the BRT line turning east instead of west and cutting his community out one more time and the importance of including the west side in build out, with Mr. Bergthold and Mr. Scott responding throughout. Councilmember Baines stated he was prepared to make a decision tonight but would be OK if more time is taken to digest everything that was heard this evening and added a major document was at stake.

Councilmember Borgeas stated a lot had been said and thanked everyone for taking time out of their schedules to appear and give their input; stated this had been a huge undertaking, he had his report/materials for only 6 days, and that was a lot of information to take in; and elaborated on issues and presented questions relative to his involvement in the SEGA plan over the last year/what was learned during that process/the changes that would occur if SEGA were to be redone, his concern with how things get polarized so easily in the media, the development community's big issue that under plan A the opportunity for them to grow and build in the fashion that they have will be taken away, the reality being that what has been done is the past has not been successful and change is needed which can be painful, the grant for the west of 99 growth that is happening now and the area south of 180 not included, SEGA challenges and addressing SEGA in phases, number of units that could be built in northern SEGA (**11 – 0**), the west of 99/north of 180 area, and within Fresno proper, there being the case that there is opportunity for growth without having to go south of 180, option E projecting southwest growth and desire to take it off the table as it is a lot less appealing, and there being an argument that can be made for plan A but him not being there yet, with Mr. Bergthold and Public Utilities Director Wiemiller responding to questions/clarifying issues. Councilmember Borgeas stated questions needed to be answered, he had this information for six days, he would have to live with the decision, and the consequences were significant and he wanted to get this right, and upon his question Councilmember Westerlund stated he would not change his motion to a procedural motion to continue the matter whereupon Councilmember Borgeas made a motion to continue Council's vote for two weeks adding plan A was looking more attractive in many respects and he felt things were pretty close. The motion was seconded by President Olivier for discussion purposes and upon his question City Attorney Sanchez stated discussion should at this point focus on the procedural motion.

Councilmember Quintero thanked all the organizations and individuals who called/emailed his office and shared their thoughts stating he learned a lot; stated after reviewing the alternatives he felt Alternative D was best overall for the city stating it was a hybrid of plans A, B and C and would allow for changes to different parts of the city and provide the best opportunity for growth in the southeast, southwest and downtown areas; read into the record his list of reasons for supporting option D; and referencing a map for option A questioned if residential housing was planned in the area surrounding the rendering plant, with Mr. Scott clarifying residential near the plant was not what the plan was trying to do and added A and D offered the same advantages except non-expansion of the sphere. Councilmember Quintero concurred there were not many differences between A and D but he felt D had the greatest opportunity to take advantage of what southeast and southwest Fresno has.

Acting President Xiong presented questions relative state density guidelines, why COG supported both A and D, ag land near Running Horse being added to the sphere and what COG's assessment was of that addition, and Alternative D's impact on ag land, with COG Director Boren and Farm Bureau CEO Jacobsen responding. Acting President Xiong stated he was also leaning towards Alternative A, concurred with Councilmember Baines on the importance of all members having complete information and stated he would support the motion to continue, relative to the speakers who asked that the poor be helped and that they be afforded affordable housing stated he hoped the advocates would explain to them the broader picture and that they probably would not see any immediate impacts, and stated he would hate to continue this matter any longer than two weeks and upon his question Councilmember Borgeas stated two weeks was more enough time for him to get answers to make a final decision.

Relative to comments on option D Councilmember Baines stated he did not think D was a bad alternative but added he lived in the area where ag land would be added to the sphere, there was leap frog development out there, and his concern was about his community being skipped over and left out when there was a lot to be done. Relative to the procedural motion Councilmember Westerlund stated on routine matters he usually does not have a problem with requests for continuances and stated obviously this was not a routine item, noted several hundred people had been in and out of the Chamber this evening and over 80 people spoke and that amount of input was rare, and stated unless there was some real earth-moving issue out there he wanted to respect the community's time and did not want to come back and do this process from scratch and would oppose the motion. Councilmember Brand echoed the comments and added Council had been getting information progressively on the general plan for the last year, stated out of respect for all who came and stayed this late he did not think it was fair to delay, and stated he understood this was an important issue but he did not think the argument could be made that there had not been enough time or information to make a decision. Councilmember Borgeas

stated requesting a delay was not something he did easily and he, too, wanted closure to this, and spoke to the sense of immediacy being felt right now and stated he also respected the people who came here tonight but he would not be doing his job if he let that sense of immediacy be the element that changed his desire to get more information which was important to him.

On motion of Councilmember Borgeas, seconded by President Olivier, duly carried, RESOLVED, the above entitled 5:00 p.m. Item continued to April 19, 2012, at 5:00 p.m. for Council action, by the following vote:

Ayes : Baines, Borgeas, Quintero, Xiong, Olivier
Noes : Brand, Westerlund
Absent : None

Mr. Sanchez clarified the public oral portion of the hearing had been closed and stated unless the information that members request presents some new information that had not been included in the record/written report/oral testimony the discussion on April 19th will be the Council deliberation from the standpoint of where the discussion left off this date. Brief discussion ensued, clarifications were made, and Mr. Sanchez advised--in order to maintain due process--that the hearing that was closed this date be kept closed and that council members not accept oral or written communication outside of the communication between council member and staff to clarify their issues.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 11:47 p.m. having arrived and hearing no objection, President Olivier declared the meeting adjourned.

Approved on the ____ 19th ____ day of ____ April ____, 2012.

_____/s/_____
Clinton Olivier, Council President

ATTEST: _____/s/_____
Yolanda Salazar, Assistant City Clerk